

9047SUPERFUND FOIA REQUEST
TRACKING AND TRANSMITTAL SHEET
FOIA NUMBER: EPA-R7-2016-009413

SUPERFUND DUE DATE: September 12, 2016

SUPERFUND ASSIGNEE(s): Steve Kemp

SUBJECT: Lead poisoning @ 1425 Sherwood in Omaha, & issues associate w/Jerry Wojtalewicz

REQUESTER: Adam Emerton, Pesek Law, LLC

SPECIAL INSTRUCTIONS: Pls be sure to sign Cert Sheet and have your Manager sign – return to me.

COST LIMITATIONS: Consider your costs (search, review, final production) as well as those of Counsel, the Lit/Records Rooms and production when estimating the Superfund charges. Discuss with the requester before you begin gathering or printing documents and obtain written approval from requester as to allowable costs. Note there may be charges from other divisions – (communicate with other division if needed); they should discuss their costs with requester.

SUPERFUND RECORDS CENTER – Complete a Records Center request form, (note FOIA #) to obtain required documents. Have RRC put all documents on “H” Drive and alert site manager it is ready for review. When necessary, CNSL will review and/or redact also in H Drive. Be sure original AND redacted documents are preserved in H Drive, BOTH will be input to FOIA Online as a permanent record. Site Manager should return completed FOIA forms, time, Certification Sheet and H Drive file name to the FOIA Coordinator to upload to FOIA Online.

COUNSEL REFERRAL: CNSL does not perform routine redactions, except in unusual cases. Also, always involve CNSL in questions of releasability/responsiveness, early in the process.

RESPONSIVE DOCUMENTS: should be prepared in electronic format on H Drive (by RRC). Include RRC and CNSL charges with Superfund documents when computing costs for response.

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**FREEDOM OF INFORMATION ACT (FOIA)
GUIDE AND PROGRAM CHECKLIST**

PROGRAM CHECKLIST FOR TRANSMITTAL OF RECORDS/INFORMATION TO EPA

	<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>DATE</u>
Program has responsive records?	_____	_____	_____	_____
Index of denied/redacted with Exemption Numbers?	_____	_____	_____	_____
Counsel Consultation on releasability of records?	_____	_____	_____	_____
Requester advised of charges and agreement to pay?	_____	_____	_____	_____
If due date extended, has requester agreed to it: new date.	_____	_____	_____	_____

PRODUCTION COSTS:

Records Search	_____ Hour(s)	Records Review	_____ Hour(s)
CD, Maps, Photos	_____	Actual Cost to Agency	_____

Program person/site manager who compiled response to this FOIA: _____ Phone Ext. _____

Division FOIA Coordinator/concurrence/signature: _____ Date: _____

FREEDOM OF INFORMATION ACT (FOIA)

SUPERFUND DIVISION GENERAL PROCESS

Division FOIA Procedures

- FOIAs are received/reviewed by division FOIA coordinator and assigned to appropriate staff
- Work with RRC to compile/review responsive documents for accuracy.
- If releasability is questionable, please work with Counsel. Allow time before your due date for this discussion and time for CNSL review\any redacting.
- If redactions are made, a withholding list is created (usually by CNSL).
- Upon deciding the response is ready for release, provide H Drive address for the original documents, amended documents with redactions, withholding lists and all charges. It is required that we upload the final responsive documents – as well as – a copy of the original (unredacted, etc.) into FOIA Online.
- FOIAs should be completed within the division 15 days after receipt
- If an extension of the due date is necessary, obtain written concurrence from the requester or address the issue with Patricia Maxwell (including reason an extension is being requested) and specify newly agreed upon due date.

Superfund Division Personnel Responsibilities

- Review FOIA and determine the scope of request
- Call requester to clarify exactly what he/she is seeking - to save time\effort.
- If requester is unsure, pull a site document list from SDMS (noting not ALL documents will be releasable). Send this to the requester, with an agreed upon return date from them (with highlighted documents they are seeking).
- Inform requester of anticipated costs to fulfill the request and obtain written assurance that they agree to pay, noting other divisions may have charges.”
- Work with RRC and CNSL to finalize appropriate documents (prepared in electronic format in H Drive). Keep FOIA Coordinator informed.
- Annotate any conversations with requester (date and time) on FOIA.
- Retain\include all correspondence (cc FOIA coordinator).
- Complete Program Checklist Page, sign and return with Cert Sheet, costs, and H Drive address to Patricia Maxwell for uploading to FOIA Online.
- Please Note: All EPA employees and grantees must account for all time spent on each FOIA (on checklist page).
- If you have any questions, please discuss them with Patricia Maxwell (X7365).

1/26/2016

Task Details

Request Status : *Assignment Determination*

Task Due Date : 09/14/2016

Submitted

Evaluation

Assignment

Processing

Request Details

	Closed	
	Tracking Number : EPA-R7-	Submitted Date :
009413	2016-	08/15/2016
		Perfected Date :
	Requester : Mr.	08/16/2016
	Adam	
Emerton		Last Assigned Date :
	Organization : PESEK	08/16/2016
	LAW	
	LLC	Fee Limit : \$100.00
	Requester Has Account : No	Request Track : Simple
	Email Address :	Due Date :
	adam@pesekllaw.com	
	Phone Number : 402-	Assigned To : Emily V.
	342-	Albano
9684		(Region 7)
	Fax Number : 402-	Last Assigned By : Emily V.
	342-	Albano
9683		(Region 7)
	Address : 1904	
	Farnam	
	Street	
	Suite 410	
	City : Omaha	
	State/Province : NE	
	Zip Code/Postal Code : 68102	

Task Details

Task Type :

Assigned To :

Request Detail Task	Patricia L. Maxwell (Superfund Division)
Due Date :	
09/14/2016	Last Assigned Date :
Task Submitted Date :	08/16/2016
08/16/2016	Last Assigned By : Emily V. Albano
Description : regards to a lead (Region 7) poisoning that occurred at a property located at 1425 Sherwood Avenue, Omaha, Nebraska owned by Jerry Wojtalewicz. As such, at your earliest convenience will you please provide all available information regarding Jerry Wojtalewicz of 8730	
Comments :	

Submission Details

Case File

Admin Cost

Assigned Tasks

Comments (0)

Review

Request Handling

Requester Info Available to the Public : Yes ☒

Request Perfected : Yes

Perfected Date :

Request Track : 08/16/2016

Simple ☒

Acknowledgement Sent Date:

Fee Category :

Other ☒

Unusual Circumstances ? : No

Fee Waiver Requested: No

5 Day Notifications: ☐

Fee Waiver Status: N/A

Litigation : No ☒

Expedited Processing Requested : No

Expedited Processing Status : N/A

Request Description

Short Description :

Please be advised that our office represents Vanessa Williams and her son with regards to a lead poisoning that occurred at a property located at 1425 Sherwood Avenue,

Omaha, Nebraska owned by Jerry Wojtalewicz. As such, at your earliest convenience will you please provide all available information regarding Jerry Wojtalewicz of 8730 Woolworth Avenue, Omaha, Nebraska relating to lead-based paint. Including all documents, investigations and information relating to past EPA violations, reports, assessments, notices and inspections at any property owned by Mr. Wojtalewicz. Thank you in advance for your professional courtesy and cooperation with this request. If you have any questions or concerns or need additional information, please do not hesitate to contact our office.

Description Available to the Public : No ☒ Has Description Been Modified? ☐

Attached Supporting Files

No supporting files have been added.

Upload Supporting Files

If you are having problems, or do not see the "Select Files" button, *switch to the basic uploader.*

No attachments have been added.

FOIA Number: EPA-R7-2016-009413

Division/Branch returning completed form: Region 7 Superfund Division

REGION 7 FREEDOM OF INFORMATION ACT (FOIA) CERTIFICATION SHEET

This form should be completed and submitted to the FOIA Office (2.2-Q25) for inclusion in the final concurrence package for a FOIA request. If it is incomplete, it will be returned. If you have questions, please contact Emily Albano, 7860.

RESPONDING STAFF

Please check the appropriate box and sign below:

☐ I have reviewed all responsive records and redacted information or withheld documents exempt from disclosure (i.e., CBI, PII). I have prepared a withheld log for withheld information (if any), that reasonably describes the document(s) and exemption(s) applied. I have prepared the set of documents to be released to the requestor and, if any information is being withheld, I have prepared a set of the unredacted version of redacted records and a set of entirely withheld documents for record keeping purposes.

I have provided these documents in electronic format to my FOIA Coordinator, along with documentation of any communication(s) with the requestor, which may include documentation of due date extensions, clarification of scope and/or increased assurance of payment. I have informed my FOIA Coordinator of the time I spent on search and review for this request.

-OR-

☐ I, and others who may reasonably have had responsive documents, have completed a reasonable search for the information requested. Responsive documents were not found.

I have provided my FOIA Coordinator documentation of any communication(s) with the requestor, which may include documentation of due date extensions, clarification of scope and/or increased assurance of payment. I have informed my FOIA Coordinator of the time I spent on search for this request.

-OR-

☐ One of the following has occurred: the requestor has indicated that they wish to withdraw this request; they have failed to grant a request for an assurance of payment or to narrow the scope of the request so that it can be processed in the current fee limit; or, the request did not reasonably describe the records sought, and no clarification was provided upon request.

I have provided documentation of the above occurrence to my FOIA Coordinator.

Signature of Responding Staff

Date

MANAGER

I have reviewed the documents (if any) prepared by the signee above and concur that our response is reasonably complete and correct.

Signature of Manager

Date

FOIA COORDINATOR

I have uploaded all documents provided to me by the responding staff in FOIAonline and coded them appropriately (i.e., Unredacted Releasable, Unredacted Unreleasable; Redacted Releasable) and applied the exemption to any partially or fully withheld document.

I have uploaded any and all correspondence between my branch/division and the requestor, and any additional documentation into the Correspondence tab of FOIAonline.

I have entered the search and review time spent by my branch/division into the Admin Cost tab in FOIAonline.

I have closed out my task in FOIAonline indicating the correct disposition for this response.

Signature of FOIA Coordinator

Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

September 23, 2011

Jerry W Wojtalewicz
8730 Woolworth Avenue
Omaha, Nebraska 68124

RE: SAID: 28440
1425 Sherwood Avenue
Lead-Based Paint (LBP) Assessment

Dear Owner/Resident:

A Lead Based Paint assessment was recently performed on your property by the U.S. Environmental Protection Agency as part of the Omaha Lead site investigation. The purpose of this assessment is to determine whether a significant quantity of LBP is present on the exterior surface of structures, where deteriorating paint conditions (peeling, flaking, cracking, etc) exist that might increase lead concentrations in the yard above acceptable levels.

Enclosed are the LBP assessment sheets for 1425 Sherwood Avenue along with a LBP Fact Sheet that provides information about risks associated with lead exposure. The EPA has developed paint stabilization eligibility criteria that involve measuring the amount of deteriorated LBP on a structure and calculating the concentration of lead in soils around the home that would result if all of the identified deteriorated paint were to fall to the ground and uniformly mix with the soil under certain assumptions. During the LBP assessment, the areal extent of the deteriorated paint observed on structure surfaces was estimated and the lead content in the deteriorated paint was measured using an X-Ray Fluorescence instrument.

The data obtained during the LBP assessment was used to estimate the increase in soil lead concentration that would result if all of the deteriorating paint identified in the assessment were to fall to the ground and mix with surface soil within six feet of the foundation of the structure. For purposes of this calculation, the deteriorating LBP on a structure is assumed to fall onto the ground surface within six feet of the foundation and be uniformly mixed with the top one inch of soil. The estimated lead concentration in the soil potentially caused by the deteriorating LBP provides a measure of the severity of LBP deterioration on individual structures. The EPA uses these criteria to rank properties based on the potential for recontamination of soil to occur. Paint stabilization is being offered at only those households with the most severe LBP problems, particularly where children under the age of seven reside.

The LBP assessment performed by EPA using the above criteria indicated that a structure on your property IS eligible for paint stabilization.

The EPA stresses the importance of maintaining painted surfaces where any amount of LBP is present. The LBP Fact Sheet provides information pertaining to the EPA's Exterior LBP Response Program. If your property is eligible for LBP stabilization and the LBP on the structures on your property has not yet been stabilized, a representative from the EPA or the Omaha Lead Hazard Control Program will contact you to arrange for paint stabilization at your property.

Exposure to lead contamination can adversely affect the development and behavior of young children. If you have children less than seven years of age living in your home, we strongly recommend that you contact your doctor or the Douglas County Health Department at (402) 444-7825 and arrange to have their blood tested.

If you have any questions or concerns, please contact the EPA Public Information Center at (402) 731-3045.

Sincerely,



Pauletta R. France-Isetts
Project Coordinator
Environmental Protection Agency

Enclosures

Para información en español, llame al EPA Information Center (402) 731-3045.

Omaha Lead Site LBP Assessment



28440

LEGEND:		H - N - P - 01 - 28440		Samples Analyzed		
<div style="display: flex; align-items: center;"> <div style="border-left: 1px solid black; border-bottom: 1px solid black; width: 20px; height: 20px; margin-right: 5px;"></div> <div> <p>BVID Number</p> <p>Sample Number</p> <p>Material: P = Paint</p> <p>Side of Structure: N = North S = South E = East W = West</p> <p>Structure Type: H = House G = Garage S = Shed F = Fence</p> </div> </div>				<p>XRF Unit: <u>28478</u> Book: <u>243</u></p> <p>Date: <u>07/24/09</u> Time: <u>1:01</u></p> <p>Staff: <u>P.E. L.L. M.W.</u></p>		
Sample Number	Lead Loading	Structure/Feature (Window, siding, porch, etc.)	Substrate (Wood, concrete, etc.)	Color	Deteriorated Area	
H - <u>N</u> - P - 01 - 28440	<u>NEG</u> mg/cm ²	<u>Porch/Railing</u>	<u>wood</u>	<u>gray</u>	<u>15</u>	ft ²
H - <u>N</u> - P - 02 - 28440	<u>6.00</u> mg/cm ²	<u>Porch/Column</u>	<u>wood</u>	<u>white</u>	<u>40</u>	ft ²
H - <u>N</u> - P - 03 - 28440	<u>13.70</u> mg/cm ²	<u>Porch/Trim</u>	<u>wood</u>	<u>white</u>	<u>100</u>	ft ²
H - <u>N</u> - P - 04 - 28440	<u>5.00</u> mg/cm ²	<u>Porch/Ceiling</u>	<u>wood</u>	<u>white</u>	<u>108</u>	ft ²
H - <u>N</u> - P - 05 - 28440	<u>NEG</u> mg/cm ²	<u>Porch/Floor</u>	<u>wood</u>	<u>gray</u>	<u>60</u>	ft ²
H - <u>N</u> - P - 06 - 28440	<u>15.60</u> mg/cm ²	<u>Door/Trim</u>	<u>wood</u>	<u>white</u>	<u>11</u>	ft ²
H - <u>N</u> - P - 07 - 28440	<u>NEG</u> mg/cm ²	<u>Door/Door</u>	<u>metal</u>	<u>white</u>	<u>0</u>	ft ²
H - <u>N</u> - P - 08 - 28440	<u>16.60</u> mg/cm ²	<u>Window/Trim</u>	<u>wood</u>	<u>white</u>	<u>60</u>	ft ²
H - <u>N</u> - P - 09 - 28440	<u>NEG</u> mg/cm ²	<u>Window/Window</u>	<u>wood</u>	<u>white</u>	<u>12</u>	ft ²
H - <u>N</u> - P - 10 - 28440	<u>14.40</u> mg/cm ²	<u>Fascia/Eave</u>	<u>wood</u>	<u>white</u>	<u>500</u>	ft ²
H - <u>N</u> - P - 11 - 28440	<u>NEG</u> mg/cm ²	<u>Stair Step</u>	<u>wood</u>	<u>gray</u>	<u>20</u>	ft ²
H - <u>N</u> - P - 12 - 28440	<u>NEG</u> mg/cm ²	<u>Gutter/Downspout</u>	<u>metal</u>	<u>gray</u>	<u>0</u>	ft ²
H - <u>W</u> - P - 13 - 28440	<u>NEG</u> mg/cm ²	<u>Foundation/Window</u>	<u>metal</u>	<u>white</u>	<u>0</u>	ft ²
- - P - - - 28440	mg/cm ²					ft ²
- - P - - - 28440	mg/cm ²					ft ²
- - P - - - 28440	mg/cm ²					ft ²
- - P - - - 28440	mg/cm ²					ft ²
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28440

Address: 1425 SHERWOOD AV

Omaha Lead Site
Site Sketch
LBP Assessment

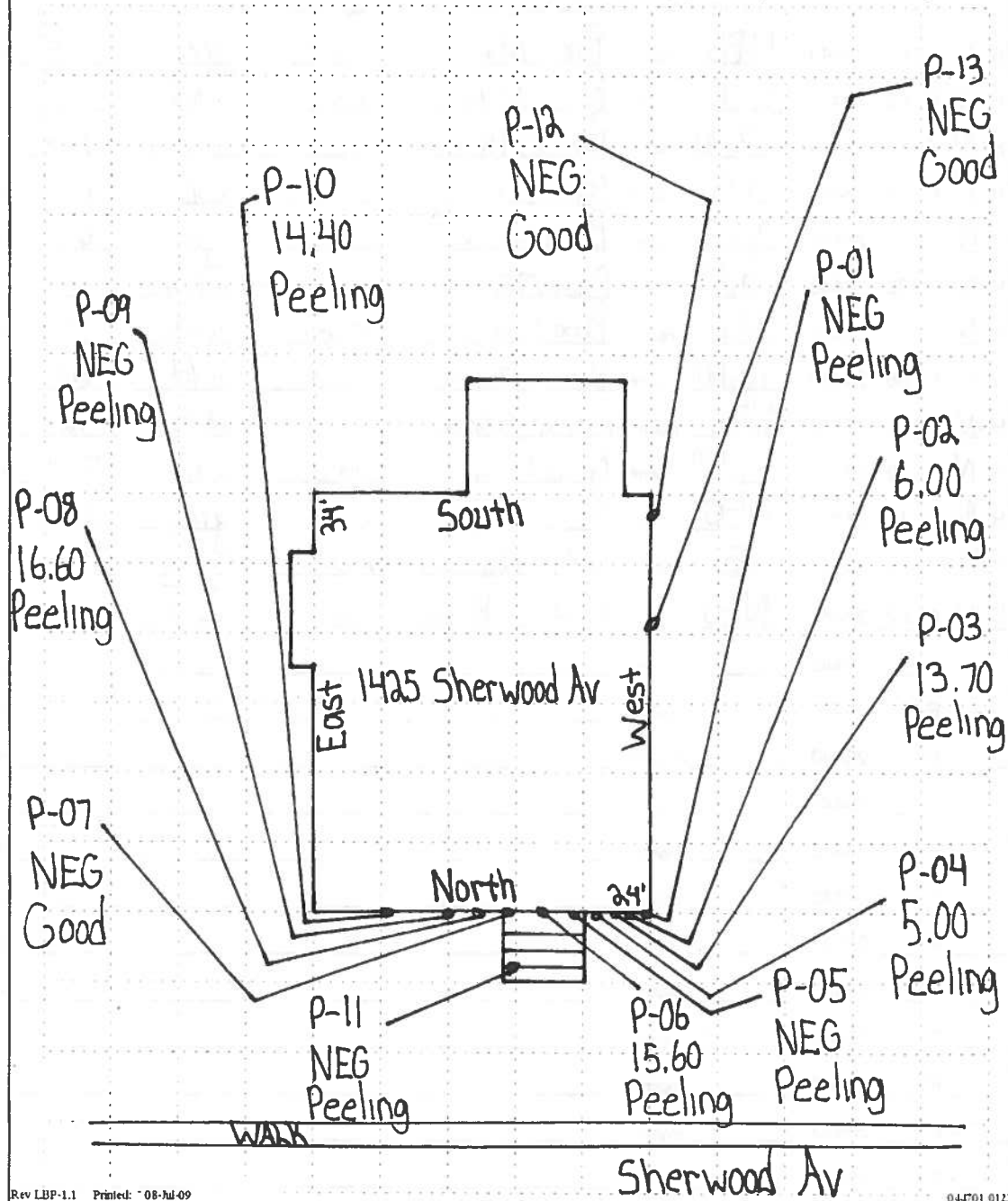
North Arrow

Phone: H: [REDACTED] ALT: [REDACTED]

Plan View - Indicate number of stories and perimeter dimensions of structure

Indicate regions of deterioration and describe

(Deterioration could include surfaces that are worn due to friction, checking, cracking and flaking, allgatoring, blistering and/or peeling)



New Search Logout Admin Change Password Reports Welcome skemp to Omaha Lead Application

[Summary](#)[Property Info](#)[All Events](#)[Assessment](#)[Soil](#)[Paint](#)[Dust](#)[Clean Up](#)[Soil](#)[Paint](#)[SDMS Document](#)[Hold](#)[Call tracking](#)[Google Maps](#)[Douglas County](#)[DQ Assessor](#)[Interactive EPA Map](#)[Soil Images \(4\)](#)[Paint Images \(23\)](#)

Sample Area ID	Property Address	Sample Address	Zip	Owner Name
28440	1425 SHERWOOD AV	1425 SHERWOOD AV	68110	WOJTALEWICZ JERRY W

Property

Property Type RESIDENCE
Douglas Co. Property Type RESIDENTIAL
Special Interest
High Lead/Priority 420 ppm
Property Location FOCUS AREA - NORTH

Soil Status

Property Status REMEDIATED
Assessment Last Event RESULTS LETTER SENT
Remediation Last Event CLEAN LETTER SENT
Cleanup Contractor ER2010_ARRA
Contract Option BASE
Remediation Archive

Paint Status

Property Status STABILIZATION COMPLETE
Assessment Last Event RESULTS LETTER SENT
Stabilization Last Event STABILIZED(8.5026)
Stabilization Contractor PRUDENT2009_P
Contract Option OPTION 2

Property Notes**Dust Status**

Residents Sampled
Total Residents

1



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

November 3, 2011

Jerry W Wojtalewicz
8730 Woolworth Avenue
Omaha, Nebraska 68124

Ref: SAID: 28440
1425 Sherwood Avenue
Omaha, Nebraska 68110

Dear Property Owner,

This letter is to confirm that a response action to address lead-contaminated soil has been completed at the above referenced property under authority of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended. This response action was performed as part of the Omaha Lead site cleanup being implemented by the Environmental Protection Agency. Residential properties with soil lead levels exceeding 400 parts per million (ppm) are eligible for soil cleanup at the site.

The primary objective of the cleanup action on your property was to remove all identified lead-contaminated soils that exceeded 400 ppm within 12 inches of the surface. Following the removal of contaminated soil on your property, confirmation sampling was performed to measure the lead concentration remaining at the exposed surfaces of the excavated areas. Excavated portions of your property were backfilled with clean soil, and then compacted and resodded.

In order to ensure that the cleanup of lead-contaminated soils remains effective, it may be necessary to care for exterior surfaces of structures on your property if lead-based paint is present. Deteriorating lead-based paint falling onto the ground may result in the recontamination of the soil. An assessment for the presence of exterior lead-based paint at remediated properties is currently being performed by the EPA. You will be advised of the findings of this assessment when it has been completed for your property. If chipping and peeling lead-based paint is present, the EPA may request access to your property to stabilize (repaint) the affected surfaces so that soil lead concentrations remain safe. This work will be performed at no cost to the homeowner. Alternatively, at properties where lead-based paint is present but is in good condition, homeowners may be advised of the presence of the lead-based paint and the need to continue maintaining these surfaces to prevent the recontamination of soil. In general, older paint (from 1978 or earlier) could contain lead contaminants.

Please retain this letter for your permanent records. In the event you sell or lease the property, this letter should be disclosed to the buyer or tenant. If you have questions regarding any aspect of the EPA cleanup activities, please call the EPA Public Information Center at 1-402-731-3045.

Sincerely,

A handwritten signature in cursive script that reads "Pauletta R. France-Isetts".

Pauletta R. France-Isetts
Project Coordinator
Superfund Division
Environmental Protection Agency

Enclosures

Ref: SAID: 28440
1425 Sherwood Avenue
Omaha, Nebraska 68110

POST EXCAVATION SAMPLING DATA

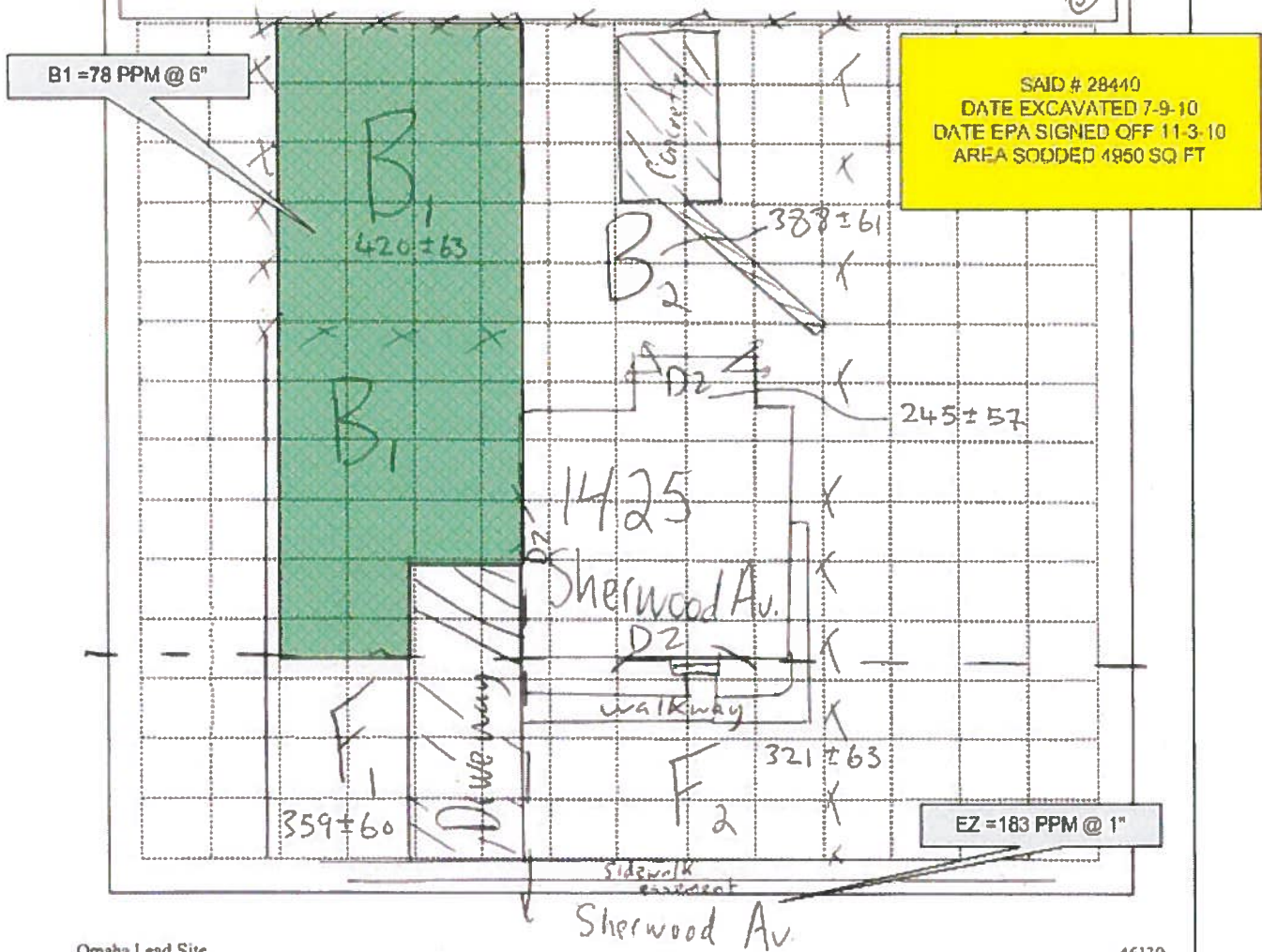
SAMPLE DATE	QUAD	PARAMETER	XRF RESULT	EXCAVATION DEPTH	MARKER PLACES	LEAD REMAINING	QA CONFIRMED	LAB RESULT
09-Jul-10	B1	LEAD	78 mg/kg	6	0	N	N/A	0 mg/kg
09-Jul-10	E1	LEAD	183 mg/kg	1	0	N	N/A	0 mg/kg

Name: Joan Wadlawitz Omaha Lead Site Date: 9/15/03
Address: 1425 Sherwood Av. Site Sketch Time: 9:28
Phone: _____ North Arrow
↓

Team Beller/Hyman ^{MES} BVID # 28440 XRF Code 177

Sample Number	Lead Concentration	Confirmation Sample
1 <u>RYASCPXA - 27440</u>	<u>359 ± 60</u> ppm	F ₁ Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
2 <u>RYBSCPXA - 27440</u>	<u>321 ± 63</u> ppm	F ₁ Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
3 <u>RYCSCPXA - 27440</u>	<u>420 ± 65</u> ppm	B ₁ Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
4 <u>RYDSCPXA - 27440</u>	<u>388 ± 61</u> ppm	B ₂ Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
5 <u>RDZSCPXA - 27440</u>	<u>245 ± 57</u> ppm	D ₂ Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
6 _____	_____ ppm	Yes <input type="checkbox"/> No <input type="checkbox"/>
7 _____	_____ ppm	Yes <input type="checkbox"/> No <input type="checkbox"/>

(5)



Omaha Lead Site

46130

 Quadrant excavated	LEGEND	 Drip Zone Excavated	 Contamination Left Behind
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